United Nations A/63/PV.101

General Assembly

Sixty-third session

Official Records

101st plenary meeting
Tuesday, 28 July 2009, 3 p.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

In the absence of the President, Mr. Tommo Monthe (Cameroon), Vice-President, took the Chair.

The meeting was called to order at 3.35 p.m.

Agenda items 44 and 107 (*continued*)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/63/677)

Mr. Gutiérrez (Peru) (*spoke in Spanish*): At the outset, I should like to thank the Secretary-General for the preparation of his report entitled "Implementing the responsibility to protect" (A/63/677), and for his presentation of that report to the General Assembly on 21 July.

Peru should also like to align itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement, setting out the Movement's commitment to participating actively in the deliberations on how to implement the provisions contained in paragraphs 138, 139 and 140 of the 2005 World Summit Outcome Document (resolution 60/1). Peru takes note of the Secretary-General's report, which we see as the first step towards fulfilling the commitments assumed by all States in the aforementioned paragraphs with regard to the responsibility to protect.

Some delegations have expressed their support for the report and its approach to the responsibility to protect. Others, however, have expressed certain misgivings, given that the concept demands further debate with regard to its implementation and practical use. We are prepared to work towards that end, keeping in mind that this process of implementation should seek not to redefine the concept but to make it effective. The purpose of this meeting is therefore to find common ground and areas of agreement that will be sufficient to set in motion a process of discussion aimed at operationalizing the concept of the responsibility to protect as enshrined in the 2005 Outcome Document — that is to say, based on four crimes and three pillars.

As for the crimes of genocide, war crimes, ethnic cleansing and crimes against humanity, we must work to define these clearly. We cannot simply describe them in a generic fashion, but must analyse how they are covered under practical and customary international law in order to effectively implement the three pillars on the basis of that consensus.

We must also follow the sequence of the pillars. That means starting with the first pillar, recognizing that the responsibility to protect lies primarily with the State, and moving on to the second pillar concerning international assistance and capacity-building. This sequence demonstrates that prevention is fundamental to preventing conflicts from escalating and turning into

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scenarios that, as we have seen in recent years, can result in massive tragedies for humanity.

Similarly, with respect to the responsibility of the international community and of the United Nations in particular, we must establish an early warning mechanism to help protect populations from these four crimes and to promote cooperation among States by building capacity and lending assistance before conflicts break out.

Such a sequential approach will, in due time, allow us in a more measured frame of mind to analyse the third pillar, which relates to measures that can be adopted under Chapters VI, VII and VIII of the Charter of the United Nations, based on understandings that will help us to see it as a timely and resolute response on the part of the international community, but one of last resort. We believe that this methodology will enable us to make substantial progress, since, from what delegations have said, there seems to be greater potential for consensus on the first two pillars.

It is important to spell out that the responsibility to protect implies preventing — and I repeat, preventing — the four crimes singled out in the Secretary-General's report. This must not be confused with the use of the concept to pursue political goals, seeking to penalize or persecute any party that does not share a particular ideological or political bent with a given Government.

In this context, we must not fall into the error of confusing the responsibility to protect with the correct exercise of asylum law, pursuant to article 14 of the Universal Declaration of Human Rights, which states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution". Similarly, in its resolution 2312 (XXII) of 14 December 1967, the Declaration on Territorial Asylum, the General Assembly established that the granting of asylum is a pacific and humanitarian act, and that, as such, it cannot be considered unfriendly by any other State. Article 1 of the Declaration states that asylum granted by a State, in the exercise of its sovereignty, to persons entitled to invoke article 14 of the Universal Declaration of Human Rights, shall be respected by all other States.

In the same way, the United Nations Convention relating to the Status of Refugees specifically establishes in article 32.1 that "Contracting States shall not expel a refugee lawfully in their territory". Likewise, article 33.1 establishes the obligation that no Contracting State shall expel or return a refugee when his or her life or freedom would be threatened on account of, among other things, his political opinion.

If crimes against humanity are believed to have been committed in a given situation, it is important that due legal process be applied in an impartial, apolitical and fair manner, and that the right to an adequate defence be granted to those accused of such crimes. If the accused enjoy asylum or refugee status on the territory of a country other than that in which they are to be tried, the legal process of extradition allows — once the justice system of the asylum-granting country has been able to analyse and clarify both the charges and the process to which the persons in question would be subject — the accused to be handed over to face the accusations that have been made against them and for which their extradition has been requested.

In the cases referred to by the representative of Bolivia in this debate, I note that Peru has yet to receive an official extradition request that would enable its Supreme Court to analyse it pursuant to due process. When such a request is made, the Peruvian judicial authorities will act in compliance with the international obligations that bind us under the aforementioned instruments, as well as with the relevant regional treaties.

We believe that the mandate we have received from our heads of State and Government is clear and that we must carry it out without further delay and in good faith. The General Assembly is the most appropriate forum in which to address this matter, given its impeccably representative credentials. What is more, the General Assembly has before it an extraordinary opportunity to demonstrate in deed that it can meet the expectations of the international community and that it is capable of taking on the central role to which it aspires in handling the most sensitive issues on the global agenda. Peru is prepared to accept this challenge and expresses its commitment to working with all Member States in that direction.

Mrs. Cerere (Kenya): My delegation wishes to thank the President of the General Assembly for having convened this very timely debate. We also wish to thank the Secretary-General for his comprehensive report, contained in document A/63/677, on implementing the responsibility to protect. We welcome the report and believe that it provides us with

an ideal opportunity to exchange views on this very important subject.

The concept of the responsibility to protect involves the fight against impunity and is premised on the very roots on which this Organization was founded — to end the scourge of war and guarantee that every human being can live a life of dignity. This very principle is also rooted in African culture, and in 2000 was enshrined in article 4 (h) of the Constitutive Act of the African Union.

The noble idea of the responsibility to protect is to prevent societies from falling apart, which is the overarching responsibility of any Government. It cannot be overemphasized that failure to build social cohesion results in instability that could lead to mass atrocities.

The responsibility to protect is a call to implement existing commitments under international humanitarian and criminal law to protect civilians from human rights abuses at all levels. The norm of the responsibility to protect is therefore not new and is well documented in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1), yet its implementation has been problematic. This state of affairs should not be allowed to continue.

The commitment made by our heads of State and Government at the 2005 World Summit to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing, individually and collectively through all possible measures at their disposal and with the assistance of this Organization, needs to be transformed into reality. Therefore, there should be no recourse to reinterpretation or renegotiation of the concept. Rather, we should work to find ways to implement it. To this end, the solidarity of Member States, the United Nations, regional and subregional organizations, and civil society is crucial.

In order to enhance the crucial role that States and regional and subregional organizations, such as the African Union, the East African Community and the Intergovernmental Authority on Development, can play in furthering the goals of the responsibility to protect, it is important for the international community to assist in developing the capacity to effectively implement responsibility to protect obligations.

I would like to take this opportunity to express the appreciation of the people of Kenya for the personal initiative of the Secretary-General to lend crucial support to the search for a negotiated solution to the problems in my country following the disputed December 2007 general elections. The support provided to the Panel of Eminent Persons was invaluable.

We strongly believe that, should it be necessary to use force, it must be consistent with the principles of the Charter of the United Nations and international law. Our experience demonstrates that timely diplomatic intervention through negotiations can result in the peaceful settlement of any dispute. The mention of necessary measures should therefore not be equated with the threat of use of force.

Since the National Dialogue and Reconciliation Accord was concluded in February 2008, the Grand Coalition Government of Kenya has put in place various mechanisms aimed at ensuring that the terrible experience of post-election violence is never repeated. We are determined to lay a firm foundation for an equitable, stable and cohesive society. The report of the Waki Commission, which investigated the root causes of the post-election violence, has been adopted by Parliament. The Government is fully committed to implementing its recommendations. That report provides a clear road map to address the various problems.

We are convinced that the legislation enacted by Parliament in 2008 will give further impetus to national reconciliation. The legislation includes the National Accord and Reconciliation Act (2008), the Truth and Reconciliation Commission Bill (2008), the National Ethnic Race Relations Commission Bill (2008), the Constitution of Kenya Bill (2008) and the Constitution of Kenya (Amendment) Bill (2009).

My delegation looks forward to working closely with others to refine and implement the strategies outlined in the Secretary-General's report. To this end, we appeal for international solidarity in advancing the political consensus forged in 2005. It is our conviction that the three pillars that are the basis of the strategy can withstand the test of time if implemented in a consistent manner and in good faith.

Mr. Zainuddin (Malaysia): My delegation welcomes the opportunity to address the subject of the responsibility to protect (R2P). We thank the Secretary-General for the presentation, on 21 July, of his report on implementing the responsibility to protect.

contained in document A/63/677, which has given us much food for thought. We note with interest the questions that have been posed to the Secretary-General, many of which echo our own sentiments, and look forward to engaging further on this important subject. Malaysia aligns itself with the statement made by the representative of Egypt on behalf of the Non-Aligned Movement.

As is often the case when dealing with a new concept or trying to put some meat onto an innovative and inherently good idea, the devil will be in the details. We must ensure that we do not thwart the good intentions behind the original formulation of the concept. At the same time, we have to ensure that, in our eagerness to provide clarity and coherence to the concept, we do not load it with so many different issues that it becomes a conflict in itself. The best concepts, we have found, are those which are precise and clear, encompassing aspects that make them both straightforward and easily distinguisl le from other ideas.

When world leaders came together in September 2005, they agreed on an overarching concept based on the obligations of a sovereign State. Thus, they strengthened the principle of sovereignty by making the State responsible for the protection of its population. The population is guaranteed safety and protection in return for granting legitimate power to the State and its machinery. This added nothing novel to the concept of statehood and the obligations arising from it. In fact, State sovereignty is the very bedrock of the United Nations.

However, it seems that, in shaping the concept of responsibility to protect, it seems that we are going one step further. States not only have the responsibility to protect their population, which is their essential right, but are also to be held liable for not preventing or circumventing the incitement of the crimes specified under the responsibility to protect.

On the face of it, this seems to be above board and logical, but under international and criminal law, a crime needs to be committed in order to be considered a crime. But, as it is presently framed, R2P seems to seek to prevent the occurrence of the crime or the incitement to commit the crime. In reality, it is possible only in hindsight to hold an entity liable for negligence or failure of due diligence, in this extrapolated sense of the terms. Unless we have a crystal ball that can tell us the future with absolute certainty, it will be difficult to hold a State responsible for not acting against a crime that has yet to be committed.

It is because of these seemingly illogical steps in what should be a natural progression from particular thinking to a set of principles that the general membership of the United Nations needs to sit down and iron out the details of the principle of R2P. We know the principle well; as some of our academicians valiantly tried to explain last Thursday, the responsibility to protect is not something new, but has been around for a long time. But do we all know it as the same thing, right down to the last tenet? Describing a principle is much like describing the wind — you know it, but you can never really pin down its description.

During the meeting on 21 July, our attention was drawn to the response of the Secretary-General with regard to the early warning capability of the Organization, particularly as related to the responsibility to protect. We appreciate the Secretary-General's candour in this matter and hope that, when consultations on the early warning capability are undertaken, they will be carried out in an inclusive and transparent manner, with primary inputs from Member States.

Collectively, we have not yet reached agreement on the exact parameters of R2P, including how we will conclusively decide when the responsibility to protect comes into being in any given situation. If we take the approach that it is all of us, sitting collectively, who are to decide whether R2P should be invoked, then we still have to grapple with the question of what action should be taken. Since the Secretary-General's report alludes to the premise that Chapter VII of the Charter of the United Nations should be invoked only as a last resort, then, provided that all questions relating to R2P have been satisfactorily answered and that we are in agreement that R2P should be invoked, it does not make sense for the Security Council to be able to thwart this decision by applying the veto. In this regard, and with the caveat that R2P has been crystallized in full, veto use should be restrained.

While Malaysia is supportive of any well thought-out initiative which seeks to protect the sanctity of human lives, we believe that the economic well-being of a person is also an important facet of human protection. In this regard, Malaysia is

concerned that the way in which donor countries are urged in the document to ensure that a State carries out its responsibility to protect will be misconstrued in its implementation. Donor assistance should be rendered on the basis of the need of the recipient State, rather than of any set of predetermined criteria that could result in that assistance being used as a tool for pursuing political objectives.

Furthermore, following up the call for expanded development assistance by earmarking that assistance to be used to strengthen the role of civil society in the decision-making process seems almost like introducing a conditionality where none existed before. Malaysia hopes that this was not the intent and understands full well that concepts need to be fully clarified in their crystallization. We look forward to engaging further with all Member States on this matter.

Mr. Ramafole (Lesotho): I thank the President of the General Assembly for having convened this plenary debate to exchange views on an issue of utmost importance at the present international juncture. I wish to thank the Secretary-General for his presentation of his report (A/63/677) on implementing the responsibility to protect (R2P), which I welcome.

The origins, meaning and scope of the concept of the responsibility to protect have been eloquently set out by the speakers who have taken the floor before me. Consequently, I will not dwell on elucidating what the concept stands for. It is safe to say that R2P indeed reaffirms some of the main purposes for which the United Nations was formed, namely to maintain international peace and security and to take effective collective measures to prevent and remove threats to peace.

Today's world has witnessed a change in the nature of armed conflicts. We have seen and continue to witness more and more internal conflicts. Civilians, the majority of whom are defenceless women and children, make up most of the casualties. The success of the international community in preventing such casualties has been very limited.

It is in this context that we welcomed the decision taken by world leaders in 2005. We viewed it as a positive step towards ensuring that the international community will act as a collective to prevent and suppress acts of genocide, ethnic cleansing, war crimes and crimes against humanity. As we continue our debate, we must resist the temptation to reopen paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1); rather, we should come up with ways and means of turning the decisions of the world leaders into reality.

My delegation is aware of the fears harboured by some Member States relating to the implementation of the concept. I will limit my intervention to a few of those, beginning with sovereignty.

Some delegations are apprehensive that R2P will be used as an excuse to interfere in their internal affairs, in contravention of the well-established principle of State sovereignty. Sovereignty goes hand in glove with the fact that States have a responsibility for their populations. The duty to protect citizens rests primarily with individual States. Our emphasis should therefore be on making sure that States discharge their responsibility to protect their own populations.

Our understanding of the concept is that the rule of law is fundamental to it. It does not seek to replace either principal international and/or national institutions designed to offer populations protection against atrocities. States therefore have to discharge this responsibility with diligence. And once that is done, there will be no need to invoke pillar three.

It is in this regard that prevention becomes relevant. As the saying goes, prevention is better than cure. This is where pillar two becomes very important. Assistance from the international community, in particular in the area of capacity-building, would go a long way towards ensuring that States do discharge their primary obligations to protect their populations.

The invocation of pillar three would not necessarily translate into recourse to the use of coercive force. This is because that pillar encompasses many measures that are non-coercive and non-violent in nature. It is only when a State manifestly fails to protect its people that a coercive response may be resorted to.

I should now like to address the failure of the Security Council to act. History can testify that there have been instances in which, because of its working methods, the Security Council has failed to act to prevent mass atrocities. The question we now have to answer is what should be done if, for any reason, the Security Council fails to act? In answering this question, I wish to point out that, in my view, R2P in itself exerts more pressure on the Security Council to

act. It seeks to bolster the Charter provisions that impose the duty on the Council to maintain international peace and security. I could not agree more with the Secretary-General's call for restraint in the use of the veto by the Security Council in the four crimes constituting the scope of R2P.

We should recall that the General Assembly has an important role to play in the maintenance of international peace and security. This means that the role of the General Assembly needs to be further strengthened. We must hasten our efforts aimed at ensuring that the General Assembly plays its meaningful role in the maintenance of international peace and security, as it is the last hope of the people of the world and as such must not be silent in the face of mass atrocities.

The third aspect I should like to address is the early warning capability. It is well noted that R2P reinforces the pre-existing values and norms of all regions and legal systems. As a continent, Africa has suffered the worst atrocities that have ever faced humankind. The reason why Africa is hailed as a pioneer in implementing R2P is therefore not difficult to find. The concern that the early warning aspect of the concept needs to be addressed may be well founded. I wish to point out, however, that there is a lot that can be learned from the African model insofar as early warning is concerned. We look forward to the suggestions on strengthening the early warning mechanisms of the United Nations that the Secretary-General will present to the General Assembly later this year.

In conclusion, I wish to point out that, since R2P is a relatively new concept, many questions about its implementation have to be answered. In so doing, we must act swiftly. Because R2P is based on the idea of collective action, there is no doubt that it emphasizes multilateralism as opposed to unilateralism. We should therefore forge ahead together with efforts to agree on how to implement the concept, while it is true that more reforms are needed, including reform of the Security Council, to enable the international community to fulfil its responsibility to protect. We must recall, however, that the need to protect the populations of the world cannot be postponed indefinitely. My delegation assures the President of the General Assembly of its continued support as we further consider the implementation of this concept.

Mr. Musayev (Azerbaijan): In the 2005 World Summit Outcome Document (resolution 60/1), we affirmed that each individual State has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity. Thus, the authoritative framework for effectively addressing the responsibility to protect has been defined. This framework is based on well-established principles of international law according to which States have obligations to prevent and punish the most serious international crimes.

It is essential to note that the relevant provisions of the World Summit Outcome reinforce the letter and spirit of the Charter of the United Nations and the principle of State sovereignty. These provisions make it clear that actions in the exercise of the responsibility to protect are to be undertaken only in conformity with the provisions, purposes and principles of the Charter of the United Nations.

Although important steps have been taken in a number of situations to properly address the most serious international crimes, populations are still suffering in many places around the world because of the manifest failure of individual States to fulfil their most basic and compelling responsibilities, as well as of the collective inadequacies of international institutions.

Regrettably, even more than 60 years after the adoption of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide, the conspicuous silence in certain instances, involving in particular situations of military aggression and foreign occupation, serves to accentuate a deficiency that is characteristic of the international community today: the gap between the theoretical values of law and harsh reality. This bitter truth represents a profound challenge to peace, stability and prosperity and therefore requires us to redouble our efforts in implementing the responsibility to protect and putting an end to the most serious international crimes.

The Secretary-General's report on implementing the responsibility to protect (A/63/677) does indeed take an important first step towards turning the authoritative words of the 2005 Summit Outcome into doctrine, policy and, most important, deeds. We consider it important to develop the overall strategy for implementing the responsibility to protect described in

the report, including by seeking ways for the United Nations to best help ensure the fulfilment of the assembled commitments made in 2005 by heads of State and Government.

More should be done to sharpen the tools for ending impunity. This will require the consistent commitment of States to their obligations to prosecute those responsible for the most serious international crimes. Fighting impunity is essential not only for the purpose of identifying individual criminal responsibility for such crimes, but also for peace, truth, reconciliation and upholding the rights of victims. Thus, for example, there can be no justification of attempts to make participation in political processes aimed at ending conflict situations conditional on demands for immunity from responsibility. To hold otherwise would be tantamount to legitimizing the results of mass atrocities and thus to rejecting the responsibility to protect.

We fully support the idea that more research and analysis are needed on why one society resorts to mass violence, advocates the notorious concept of ethnic incompatibility and consistently creates mono-ethnic environments while its immediate neighbours remain relatively stable in terms of preserving cultural diversity and fostering respect among various groups. Azerbaijan is prepared to contribute to such analysis and research, which might serve as an important source for our efforts aimed at discouraging incitement to racial and religious hatred.

We believe that the engagement of the Security Council may significantly advance the scope of actions to implement the responsibility to protect and create opportunities to improve common approaches in this regard. At the same time, the General Assembly has an important role to play, especially when the Security Council fails to exercise its responsibility with regard to international peace and security.

We look forward to continued constructive dialogue and to further reports of the Secretary-General on this matter.

Mr. Lomaia (Georgia): I should like first to thank the President of the General Assembly for having organized this important debate. We value it as an opportunity to discuss how best to pursue the responsibility to protect (R2P) in ways that are consistent, effective and, above all, in the original spirit of this foundational principle of international affairs.

While Georgia has aligned itself with the statement of the Swedish Presidency of the European Union, I would like to take this opportunity to make some additional points.

Mr. Jeenbaev (Kyrgyzstan), Vice-President, took the Chair.

R2P as a principle has been accepted by the international community, a fact which has been underscored during this debate. Representatives of Member States have followed the Secretary-General's counsel not to "change the subject or turn our common effort ... into a struggle over ideology, geography or economics" (*A/63/PV.96*). All in this Hall have been up to the task of not reinterpreting or renegotiating the World Summit's conclusions, focusing instead on ways to implement its decisions in a fully faithful and consistent manner, as the Secretary-General urged.

Perhaps the most important priority that has emerged during this debate is the urgent need to pay closer attention to the proper implementation of the R2P. The potential to misuse this principle could lead to its perversion and subversion. We would therefore like to join our voice to those that have highlighted the perils associated with the insidious or even cynical misapplication of the principle.

This is something known all too well in our part of the world where, last year, the noble logic of R2P was turned on its head. A neighbouring country used it as a false pretext to actually carry out the ethnic cleansing of entire provinces of our country through a unilateral, large-scale military invasion. Hundreds of lives were lost as a consequence. Tens of thousands of innocent civilians were forced from their homes and are still unable to return. This painful experience can help lead us to a better understanding of how to develop safeguards against similar abuses of R2P.

I should like to share a few points we have come to understand about when R2P is likely to be abused — early warning signs, if you will. One ominous sign is when a State turns on its propaganda machine to instigate ethnic hatred. Another is when it begins to invoke quasi-legalistic justifications for unilateral military action. Red flags should also be raised when, in the wake of ethnic cleansing, aggressor countries are able to exploit the international system to banish

international monitors, preventing them from observing what is taking place on the ground, or when they ban humanitarian access to afflicted areas.

The roots of this tragedy go back a decade to that moment when it was declared that the collapse of the Soviet Union, an event almost all of us would hail as a historic victory for liberty and a dream come true for millions of those oppressed, was in fact, "the greatest geopolitical catastrophe of the twentieth century". The liberation of the Baltic States, Ukraine, Georgia and other States had been, according to that assessment, a disaster. The subsequent moral rehabilitation of the communist regime that claimed the lives of 20 million human beings in the gulag camps is the flipside of the equally reprehensible ideological goal of restoring "zones of privileged interests", which, to put it bluntly, replicates the infamous Soviet doctrine of limited sovereignty for nations like my own. Motivated by this ideological goal and the desire to circumscribe the sovereignty of its neighbours, Russia designed strategies to weaken and, ultimately, to undermine the newly independent States.

As 22 internationally renowned public figures from Central and Eastern Europe put it last week in an open letter, "our hopes that Russia would accept our full independence have not been fulfilled. Instead, Russia is back as a revisionist Power". In Europe, these leaders continued, Russia "uses overt and covert means of economic warfare, ranging from energy blockades and politically motivated investments to bribery and media manipulation in order to advance its interests and to challenge the transatlantic orientation" of these countries.

To that list of nefarious tactics we would add an innovation that has proved to be especially potent, namely, so-called passportization. The passportization project was launched unilaterally in 2000, focusing on enclaves in newly independent countries. In doing so, Russia breached the national laws of these countries. According to media reports, as many as 2.9 million Russian passports have been disseminated. Shortly after this subversive strategy was initially deployed, several of the Governments in the newly independent States warned the international community of its dangers. One day, they warned, the so-called interests of these newborn citizens would be cited as a pretext for aggression.

Unfortunately, these warnings were not heeded. It took a full-blown war, the occupation of 20 per cent of the territory of a United Nations Member State and, last but not least, the ethnic cleansing of the occupied territories to make the scale of the menace clear. The passports were disseminated simply to create a quasi-legal justification for claiming that R2P had to be applied "to protect the interests of newborn citizens".

Were other early warning signs ignored that could have helped to predict that last year's invasion of Georgia and the subsequent ethnic cleansing were being planned? Yes, there were. Perhaps the most obvious was a State-orchestrated campaign of ethnic hatred, accompanied by unprecedented mass deportations based exclusively on ethnic criteria.

The leader of the country responsible for these actions coined the term — to which I call the Assembly's attention — "ethnically contaminated places". This leader was referring to the marketplaces where, historically, there has been a predominance of traders from Central Asian and South Caucasian countries. Within days, several thousand ethnic Georgians and Georgian citizens were illegally deported. Some died in detention centres. The European Court of Human Rights has recently ruled to hear the claims of those deported citizens against the State of Russia.

Then, of course, what followed was the invasion. Thirty-six cities and villages across the country were shelled, 600 citizens killed, and important economic, military and civil infrastructure, far beyond the military theatre, destroyed. The regime that invaded under the cynical pretext of protecting its citizens in a neighbouring country then completely cleansed one of the provinces of that country of the citizens of a particular ethnic group.

According to the Office of the United Nations High Commissioner for Refugees, over 130,000 people were forced to flee and their houses bulldozed and levelled — an action labelled effective ethnic cleansing by the Organization for Security and Cooperation in Europe (OSCE). International Crisis Group recently determined that the perpetrators "systematically looted, torched and in some cases bulldozed most ethnic Georgian villages". The Parliamentary Assembly of the Council of Europe called those abuses "ethnic cleansing". In a cynical move, occupational military

installations are being built in place of the emptied villages.

Now, having succeeded in effectively restoring a sphere of privileged interest or, perhaps more accurately, a sphere of violent occupation, that country has determined to get rid of any inconvenient witnesses, international monitors and observers. Within the past two months, Russia used its veto powers in the OSCE and the Security Council to terminate two important international missions in Georgia, the OSCE Mission to Georgia and the United Nations Observer Mission in Georgia.

In conclusion, I would like to support the initiative of the Hungarian Government to establish the Budapest Centre for the International Prevention of Genocide and Mass Atrocities. We stand ready to cooperate with the Centre by providing materials and documents that would help us to better understand a variety of early warning indicators on the possible misapplication of the noble doctrine of the responsibility to protect.

Mr. Desmoures (Argentina) (*spoke in Spanish*): My delegation is grateful for the convening of this meeting, which we deem to be timely and appropriate. Implementing the responsibility to protect demands careful and detailed debate, and we believe that the General Assembly is the right place for such a discussion.

Argentina welcomes the report presented by the Secretary-General, as contained in document A/63/677, entitled "Implementing the responsibility to protect". At the same time, it should be recognized that this document is an important basis for dialogue and debate in the context of the General Assembly on the role of the United Nations in implementing the responsibility to protect.

I wish to underscore my country's interest in and commitment to this topic. Argentina plays a leading role in the defence of humanitarian causes at the international level through its determined activism on causes linked to preventing, mitigating and finding solutions to situations of systematic and mass violations of human rights. In this context, I stress the importance of the 2005 World Summit Outcome (resolution 60/1), which sets out the commitment of heads of State and Government to the concept of the responsibility to protect. Paragraphs 138 and 139 of that document signal the will to see this responsibility transformed from words into practice, and attest to the close interrelationship among human rights, peace and international security, noting that many threats to peace are interrelated and that development, peace, security and human rights are mutually reinforcing.

The obligation of States to protect is nothing more than the synthesis of other international obligations, full compliance with which would prevent the four crimes in question from being committed. Argentina interprets the fundamental component of prevention as encompassing, among other norms, the critical respect for human rights, refugee law and international humanitarian law.

Likewise, the Rome Statute of the International Criminal Court has great potential to be a useful instrument in the prevention of these serious crimes. Today, the Statute has 110 signatories, and my country urges those States that have not yet ratified it to do so.

It is an undeniable reality that certain countries lack sufficiently developed State structures to fully meet their obligations to protect their populations. In this respect, we agree with other speakers that United Nations programmes should integrate, directly or jointly with programmes of regional organizations, the responsibility to protect into their capacity-building efforts.

With regard to the three-pillar strategy presented in the Secretary-General's report, my delegation agrees and supports the recommendations linked to pillar one, which confirms that each State has the responsibility to protect its population.

Furthermore, with regard to capacity-building and international assistance, we support cooperation activities related to practical policies that contribute or could contribute to the fulfilment of that commitment. We agree with the statement in the Secretary-General's report that "[p]revention, building on pillars one and two, is a key ingredient for a successful strategy for the responsibility to protect" (*A/63/677, para. 11*).

With regard to pillar three on mounting a timely and decisive response, Argentina believes that it would be very useful for the United Nations system to adopt measures to implement the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

In conclusion, we believe that the General Assembly should pursue its consideration of this matter

and reflect further upon it, as recommended in paragraph 139 of the 2005 World Summit Outcome Document, in order to implement the responsibility to protect.

Mr. Ajawin (Sudan): At the outset, my delegation would like to take note of the report of the Secretary-General on implementing the responsibility to protect, as contained in document A/63/677. My delegation would have preferred the General Assembly to debate the concept of the responsibility to protect prior to the preparation of such a comprehensive report, as has been the norm in the United Nations.

My delegation also aligns itself with the statement made by the Ambassador of the Arab Republic of Egypt on behalf of the Non-Aligned Movement.

Paragraphs 138 and 139 of the 2005 World Summit Outcome (resolution 60/1) have generated a sea of intellectual and diplomatic controversy as to the precise interpretation and implementation mechanism of the notion of the responsibility to protect (R2P). At the centre of these controversial debates is the delicate balance between respect for State sovereignty and the need for intervention in States' affairs under the pretext of humanitarian intervention, which, when legitimized, becomes the responsibility to protect.

Our understanding of paragraphs 138 and 139 is based on the following. Paragraph 138 merely reaffirms and restates the legal duties of a sovereign State to protect its citizens or population from genocide, war crimes, ethnic cleansing and crimes against humanity. These duties are conferred on the sovereign State by what is known in political philosophy jurisprudence as the social contract between the governed and the governor or between the crown and its subjects.

Likewise, paragraph 139 can be divided into, on the one hand, a reaffirmation of the commitment of the Members of the United Nations to Chapters VI and VIII of the Charter, and, on the other, the use of force. It is the second part of that paragraph that introduces intervention by use of force, if and when necessary, under the pretext of the responsibility to protect.

First, there is a tendency to misinterpret the notion of the responsibility to protect to mean the right of intervention in the affairs of a sovereign State. Secondly, some contend that discussions about the notion of the responsibility to protect were finalized in the 2005 World Summit Outcome, and that there is no room for other interpretations or further negotiations.

This could be true in that there is a worldwide consensus that the Summit reaffirmed the role of the State in protecting its citizens from crimes against humanity. However, there is still no consensus as to the applicability of R2P to our political realities. Those misinterpretations are precisely why the majority of countries are apprehensive and cautious about the debate surrounding the idea of R2P.

My delegation strongly believes in the notion of non-interference as articulated in paragraph 4 of Article 2 of the United Nations Charter, which states that:

> "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State."

That article is very much in the spirit of the Treaty of Westphalia, which emphasized that international relations must be based on mutual respect and that every State shall refrain from interfering in the affairs of others.

This doctrine of non-interference is the glue that has kept countries together and motivated them to work collectively for international security, which culminated in the creation of the United Nations. It is only when the cardinal principle of non-intervention is violated that international peace and security are threatened.

A case in point was when Hitler used force to defend ethnic Germans in the Sudetenland as a pretext for his invasion of Czechoslovakia — an example of R2P dating to the Second World War. Similarly, the contemporary political history of interventions in countries such as Iraq and Somalia, to mention just two, has shown beyond doubt that the road to intervention is no bed of roses, but that it can also be thorny.

Moreover, the concept of the responsibility to protect provides no explicit or airtight provisions to allay the fear that one country or group of countries or organizations might abuse this principle. Indeed, the concept of the responsibility to protect is not new at all; what is new about it are the efforts and the school of thought that seek to enshrine it as a concept under

international law — which could be interpreted as the legalization of humanitarian intervention.

Some may argue that humanitarian intervention is not the same as the concept of the responsibility to protect. However, under close scrutiny, we find them to be two sides of the same coin. Humanitarian intervention is defined by *The Concise Oxford Dictionary of Politics* as

> "entry into a country of the armed forces of another country or international organization with the aim of protecting citizens from persecution or the violation of their human rights".

On the other hand, the concept of the responsibility to protect is laid out in paragraph 138, which defines the crimes or violations that warrant the invocation of the concept: genocide, war crimes, ethnic cleansing and crimes against humanity. The second part of paragraph 139 authorizes the use of force as a means of implementing the concept of the responsibility to protect. Therefore, it could be humbly submitted that the concept of the responsibility to protect equals humanitarian intervention.

Some forceful advocates who intend to use the notion of the responsibility to protect as a tool for humanitarian intervention like to point to the 1994 Rwandan genocide as supporting evidence for the possible need for future interference. It is my delegation's contention, however, that the failure of the United Nations to save lives in Rwanda during the 1994 genocide was not due to a lack of authorization within the United Nations Charter, which permits or warrants intervention in accordance with Chapter VII and the provisions and doctrines of international law, but that it was partly due to the lack of decisive decision-making by the top decision makers at the United Nations, coupled with a lack of political motivation on the part of some members of the Security Council.

That was very clear, despite early warnings in 1993 by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions that genocide was a real possibility, as well as by the Force Commander of the United Nations Assistance Mission for Rwanda, Roméo Dallaire, in January 1994, on which the Security Council failed to act. Had Rwanda been one of the countries where some members of the Security Council had economic and political interests, I believe that the genocide would have been promptly stopped.

In a nutshell, what is needed are not romantic words to dress up the failures of the United Nations, but serious reform within the Security Council to achieve the desired paradigm shift towards a world that enjoys security while respecting human rights and the autonomy of States to run their own affairs. Reform that either abolishes veto rights or that gives Africa two permanent seats, pursuant to the African position in respect of Security Council reform, would at least guarantee fairness and respect for Security Council decisions, which have been characterized by apathy and indecisiveness.

However, even if the concept of the responsibility to protect becomes an accepted instrument under international law, its effective use will not be immune to the political influence of some members of the Security Council. To give the Security Council the privilege of being executor of the concept of the responsibility to protect would be tantamount to giving a wolf the responsibility to adopt a lamb.

For my country, which is one of the developing countries, the history of the responsibility to protect to date, be it in earlier centuries or in our modern history, has made us too scared to let down our guard, since we know that it can be misused by some powerful countries to achieve imperial hegemony over less powerful ones.

The way forward should be the establishment of an effective early warning mechanism, as articulated in the report of the Secretary-General, and not the usurpation of the doctrine of State sovereignty.

Mr. Faati (Gambia): We thank the President of the General Assembly for convening this debate to discuss the report of the Secretary-General entitled "Implementing the responsibility to protect" (A/63/677).

My delegation fully associates itself with the statement made by the representative of Egypt on behalf of the members of the Non-Aligned Movement. We would like to express our appreciation to the Secretary-General for a very interesting and informative report, in particular with respect to the issues raised under the three pillars, in the section entitled "The way forward" and in the annex.

My delegation does not have problems with the concept of the responsibility to protect (R2P), as

clearly outlined in paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1). We consider the 2005 agreement to be an important historical milestone in our collective efforts to protect civilian populations from the four mass crimes to which this concept applies. My country's record, from the creation of the Economic Community of West African States Monitoring Group in Banjul to our ongoing participation in numerous peace operations around the world, is ample testimony to our commitment to the protection of civilian populations.

We will continue to carefully study our next steps as we embark on the implementation phase of the 2005 agreement. In that regard, we intend to move cautiously and constructively until consensus is reached on all outstanding issues. We will work closely with interested delegations as we put together the building blocks that are necessary for a depoliticized R2P architecture. One of those building blocks would be the elaboration of strategies and mechanisms to bridge the deficit of trust currently existing among members of this house on the way forward.

It would be naive for us to think that we can set the parameters of this debate without referring to history. Any attempt to rush to conclusions that are not anchored in reality and informed by history would lead only to the setting up of a utopian paradise. Recent history — in fact, as recent as the January 2009 war in Gaza — informs us that genuine R2P situations will continue to be treated with the usual political bickering and dithering that have characterized United Nations action or inaction in the past. For that reason, we must anchor the implementation of R2P in rule-of-law-based approaches that will prevent its abuse or misuse by the international community, while allowing flexibility for genuine action. We must find a cure for our collective inertia.

In our deliberations, Africa has become the reference point as a continent that has led the way in fashioning the principle of R2P. Part of the reason for that is the paralysis of the international community and a deep mistrust in the United Nations system, owing to a proven history of inaction over the years with regard to African R2P situations. We believe in the Constitutive Act of the African Union, the regional and subregional arrangements across Africa and how effective they have been in dealing with certain R2P situations.

My delegation would therefore argue that pillar two activities should, first and foremost, take the regional approach into account by addressing capacity constraints. For now, the best lessons are at the regional level, and that is what we are comfortable with. We would like to see an evolving relationship between the United Nations and the African Union in that regard. However, we must not assume that R2P starts with the international community. It starts with States' assuming their sovereign responsibility to protect.

Under pillar three, another important issue that keeps coming up is the notion of timely and decisive response as it relates to the precise roles of the Security Council and the General Assembly in determining what timely and decisive response should entail. We believe that the question of early warning is closely related to that of timely and decisive response. My delegation would like to propose that a mechanism be established in the form of a committee on the responsibility to protect. A committee of such a nature would be mandated to make non-binding recommendations to the General Assembly, the Security Council and regional organizations on R2P situations and on accompanying measures necessary to address particular situations. In its recommendations, the committee could also indicate its views on the use or non-use of the veto in a particular situation.

Such a body would be made up of Member States. Their election could follow the pattern of the Human Rights Council, and there would be no veto-wielding power. The Secretary-General would collate the information on any R2P situation and present it to the committee for consideration. The committee could meet at regular intervals or at the request of its members or other Member States. The offices of the Special Advisers on Genocide and R2P could play an important role in that regard.

The principle of equitable geographical representation could be used to determine the composition of such a committee. I believe that, as a complement to such efforts, an early agreement on a comprehensive global strategy on implementing R2P would also serve to complement the work of the committee.

In putting forward those proposals, we are mindful of the provisions of the Charter with regard to the mandates of the organs of the United Nations. With

negotiations on the democratic reform of the Security Council still moving at a snail's pace, and with the likelihood of abuse of the principle of R2P through politicization, we believe that a more neutral arbiter, such as the representative committee that we are proposing, could be a way out. An analogous example can be found in the way in which the General Committee works. However, we must not forget that, when our leaders adopted paragraphs 138 and 139 of the 2005 World Summit Outcome Document, they also adopted a plethora of institutional reforms, principal among which was reform of the Security Council.

Those are just some of the thoughts that we wished to share with the Assembly. We are ready to work with other delegations as we collectively consider our next steps. We are being told that the concept of R2P is narrow but deep, so our analysis of the report and its recommendations should be nothing less — it should be focused and deep.

Mr. Holovka (Serbia): Serbia welcomes the opening of the debate on the concept of the responsibility to protect, based on the comprehensive and astute report of the Secretary-General (A/63/677). The concept, as agreed at the 2005 World Summit and adopted in its Outcome Document (resolution 60/1), is in no way questionable, as none of us has any doubts about the responsibility of each and every State to protect its population from the four heinous crimes spelled out in paragraphs 138 and 139.

The concept of the responsibility to protect is a necessity that no one can question. However, that necessity is preceded by the notion of the four enumerated crimes, as well as by the existing body of international legal instruments and norms, which some previous speakers have clearly spelled out. Furthermore, that necessity does not in any way imply its legality at this stage. In order for the concept to become part of international law — let alone customary international law — it must first be elaborated fully by the General Assembly and be given a proper test of time as a way to dispel any reason to fear the abuse of noble goals and their perversion into double standards. We must remain aware of the ease with which noble goals and lofty ideas can be utilized for particular purposes and of how paths paved with good intentions can sometimes lead to unjustifiable actions.

The President took the Chair.

It is those possibilities that caution us against hasty decisions and flamboyant rhetoric. We must not forget the recent past, when the now-discredited, hastily composed concept of humanitarian intervention was a highly prized concept championed by some political leaders exerting great influence over the state of world affairs at that time and even today. Can one feel anything but scepticism and irony when recalling the officially declared motives behind the NATO-led bombing of the Federal Republic of Yugoslavia in 1999? Would anyone present here now excuse as collateral damage the killing of more than 2,000 citizens of the former Federal Republic of Yugoslavia — a good number of them ethnic Albanians, whom the intervention was initially supposed to protect — or the destruction of infrastructure that generations of Yugoslavs had worked hard to construct? For that matter, hardly anyone now mentions the "fact" of the supposed 100,000 Serb-inflicted casualties in Kosovo, which was used by NATO as a battle cry, a public relations spin to push reluctant members into action and, ultimately, a pretext for 108 days of bombing. This supposed fact was never mentioned again once its intended result was achieved, but it must not be forgotten when we discuss the concept of the responsibility to protect.

As a further cautionary note, I cannot refrain from quoting the former President of Finland and subsequent United Nations Special Envoy for the Kosovo status process, Mr. Martti Ahtisaari, who, in an interview with CNN on 10 December 2008, gave his view of the responsibility to protect. After acknowledging the fact that the General Assembly had "accepted the principle of responsibility to protect in 2005", he went on to justify it by saying that "if a dictatorial leadership in any country behaves the way Milosevic and company did vis-à-vis the Albanians in Kosovo, they lose the right to control them any more". We wonder if such interpretations of the noble concept of the responsibility to protect truly lead us away from the supposedly defunct concept of humanitarian intervention.

In the light of the foregoing, we must remain committed to the principles of the Charter of the United Nations as a basic reference point for any debate on the reform of the international system, especially in the case of adopting norms with far-reaching consequences that should in time contribute to a level of human conscience that would render the four

heinous crimes inconceivable. In this respect, we wish to emphasize the utmost necessity of strict respect of Chapter VII of the Charter and the competencies of the Security Council. We also believe in the mutual complementarity and interdependence of all three pillars. However, we also see the greatest need for investing genuine effort and resolve in further elaborating the third pillar.

As the very well-prepared and thought-provoking concept note prepared by the Office of the President of the General Assembly states, at this stage there are still a number of misnomers and elements that are problematic. As stated, among them are the elements of a timely and decisive response. One may question what, at this stage, constitutes a timely response and who determines the level of decisiveness. Are we dealing here with a lack of knowledge at an early stage, or is it frequently just the issue of political expediency that takes precedence?

To take the argument one step further, we can argue the case of Srebrenica as an example of the deliberate inaction of the international community in the face of one of the most horrendous crimes in modern history. No one has any right to claim lack of timely knowledge or lack of capacity to act when an atrocious crime was taking place in a United Nations-declared safe haven.

So, why then, one may ask, was there a failure to respond in a timely and decisive manner? Though it is a scant consolation to the survivors and the families of the victims, the Srebrenica massacre has at least been recognized as such. However, it should be mentioned that that has not been the case with regard to the killing of some 3,000 Serb civilians in the villages around Srebrenica by the notorious Bosnian warlord Naser Oric, who resided with his troops in Srebrenica between 1992 and 1995 and who launched his attacks on Serbian villages from there unopposed. According to testimony of witnesses, not only did he have command authority in such crimes, which has been a basis for the condemnation of a number of Serb generals, but he was also involved personally in the killings. However, he was released by the Hague Tribunal after only two years.

We could further recall the unanswered plight of internally displaced persons and refugees who were forced to flee Kosovo following the arrival of NATO troops, as well as in Croatia following Operation Storm. Those examples teach us that all crimes must be treated equally. If better relations and a brighter future within the region involved are desired, all perpetrators must receive punishment.

To sum up, we wish to reaffirm our commitment to the concept of the responsibility to protect as defined in the 2005 World Summit Outcome Document. We wish to believe that its elaboration and ensuing implementation will lead us away from dreadful examples like the ones I have just cited. But for that very reason, we cannot forsake the necessity of discussing the concept in a comprehensive and all-inclusive manner, without any imposed constraints. The responsibility placed upon us is too great not to do so.

Mr. Tommo Monthe (Cameroon) (*spoke in French*): The issue before us is an important one because of the questions and challenges it raises with respect to the individual and collective consciences of States, peoples and nations as they live their individual and shared destinies, and also, and in particular, in terms of their perception of humankind through time and space.

Recalling certain salient gloomy historical facts, the Secretary-General writes in his report that

> "the brutal legacy of the twentieth century speaks bitterly and graphically of the profound failure of individual States to live up to their most basic and compelling responsibilities, as well as the collective inadequacies of international institutions" (*A/63/677, para. 5*)

and that

> "the worst human tragedies of the past century were not confined to any particular part of the world. They occurred in the North and in the South, in poor, medium-income and relatively affluent countries". (*para. 6*)

The report is extremely illuminating from all standpoints, as supported by the presentation made by Secretary-General Ban Ki-moon and by the additional comments made by his Special Adviser, Mr. Edward Luck, during the interactive debate, which, on 21 July, preceded this series of meetings and enabled renowned panellists and representatives of non-governmental organizations and States to carry out a preliminary exchange of views in advance of the current discussion. Just as illuminating and useful is the

concept note of the President of the General Assembly, transmitted to Member States on 17 July 2009, and the introductory statement he made during the interactive debate.

In view of the foregoing, Cameroon would like to make the following comments on the issues before us in this debate.

First of all, because the question is so complex and because of our concern to achieve a concrete outcome, we should be as pragmatic and practical as possible with respect to methodology, and should work in a spirit of great prudence, avoiding the path of dogmas and assumptions that could only sour or protract our debates. In this regard, and reviewing the relevant portion of the 2005 World Summit Outcome Document (resolution 60/1), in particular the title and content of paragraphs 138, 139 and 140, whose negotiation and drafting we closely followed as Special Adviser to Jean Ping, President of the General Assembly at its fifty-ninth session, we would note, first of all with respect to the title, that two currents of opinion were voiced at the time.

The first suggested that the simple title "Responsibility to protect" implied an evolving concept, broad in scope and focused on the creation of a new norm. The other viewpoint represented more of a practical approach, clearly and restrictively indicating specific subjects of great concern, which are already well defined and which would leave no room for any legal hair-splitting. Therefore genocide, war crimes, ethnic cleansing and crimes against humanity would be identified in the title.

In their great wisdom, the heads of State or Government unanimously opted for the second alternative. Hence the longer title that appeared in the 2005 World Summit Outcome and the unambiguous mandate that was given to the General Assembly: not to seek a new norm, as has sometimes been suggested in this current debate, but instead — and I quote paragraph 139 of the 2005 World Outcome — "to continue consideration of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity".

This means that, from the standpoint of the 2005 World Summit, in which President Paul Biya of Cameroon took an active part, and as clearly underscored by the representative of the Secretary-General at the aforementioned interactive debate, the responsibility to protect is not a legal concept but a political one. We should therefore operationalize it in strict compliance with the spirit and the letter of the restricted scope of the four crimes identified by our heads of State or Government. The Assembly would go beyond its mandate if it extended this to other endeavours. Cameroon would not follow it on this risky path, because it is a slippery slope.

With respect to the very substance of the issue, as set forth by the Secretary-General in his report, we take note of the three pillars upon which this reasoning is structured.

On the first pillar, the heads of State or Government could not have been clearer. There were almost 180 of them, a rarely equalled quorum, and they proclaimed, as if recalling the solemn oath they took before their peoples:

> "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it." (*resolution 60/1, para. 138*)

President Paul Biya stood with his peers in this solemn proclamation. In Cameroon, which is a veritable mosaic of peoples and cultures and is an Africa in miniature, he, as head of State, assumes his high office with clarity, tolerance, level-headedness, justice and equity, always affirming the rule of law, democracy and human rights in a methodical quest for cohesion and national unity and a fight against corruption and all the scourges that could prepare the ground for the centrifugal forces of destruction in an extremely challenging African and global environment. His wife, Mrs. Chantal Biya, was appointed as a UNESCO Goodwill Ambassador because of her good works and social efforts in Cameroon and in Africa.

Our country is party to nearly all the international human rights instruments. Cameroon has already submitted itself to the scrutiny of the African Peer Review Mechanism and that of the Human Rights Council through the universal periodic review. The lessons of humanitarian law and other legal principles in cases of armed conflict are included in our educational programmes, particularly those for the law enforcement community. Our national Human Rights

Commission and the Ministry of Labour manage the social tensions that stem from contentious relations. Lastly, an annual national report on human rights is regularly issued.

With respect to pillar two, assistance and capacity-building, we endorse the proposals aimed at supporting States who request capacity-building assistance in protecting their populations against the four aforementioned crimes or the threat of such crimes. In this regard, wisdom tells us that it is better to prevent than to treat. This is why Africa has presented to the United Nations and its other development partners requests for assistance in the areas of peacekeeping operations and post-conflict peacebuilding.

Central Africa, for example, has requested, within the framework of the Economic Community of Central African States, the strengthening of the Subregional Centre for Human Rights and Democracy in Central Africa and of the institutions of the Council for Peace and Security in Central Africa, including its early warning system and the establishment of a United Nations subregional office in Central Africa.

With respect to pillar three, namely timely and decisive response by the international community to protect populations from the four crimes identified at the 2005 Summit, we believe that, at this initial stage and as decided by our heads of State or Government, we need to move cautiously on a case-by-case basis, focusing once again on prevention, the use of peaceful means and cooperation with local institutions and personnel. The heads of State or Government also decided that any protection action would be multilateral and would take place within the framework of the United Nations, particularly the Security Council, if the enforcement option proves appropriate.

To be in a position to better shoulder this responsibility, the United Nations must itself be strengthened and democratized. In the Secretariat, for example, the Offices of the advisers to the Secretary-General, the Peacebuilding Support Office, the Mediation Division and certain functional divisions of the Departments of Political Affairs, Peacekeeping Operations and Field Support that deal with the questions that we are debating must be reassessed in terms of the quantity and quality of their administrative framework, their programmes and their financial and human resources. Revitalization of the Assembly, particularly its powers in terms of launching alternative action should the Security Council fail with respect to the four aforementioned crimes, deserves renewed attention. Finally, reform of the Security Council to make it more representative and democratic in its working methods should be accelerated. In our view, the effective functioning of the third pillar depends on all those considerations.

We are in the twenty-first century. While we agree on the fact that the interdependence and globalization resulting from the prodigious developments in science and technology — more specifically, the new information and communications technologies — instantaneously bring us close to — if not right next to — one another, we continue to think and act narrow-mindedly, forgetting that history calls us to new heights to collectively assume the full dimension of the human condition that all of us carry within ourselves.

The President (*spoke in Spanish*): I now call on the observer of the Holy See.

Monsignor Bharanikulangara (Holy See): Four years ago, the largest gathering of heads of State took place at the United Nations in order to draw attention to the need to create a United Nations system more capable of responding to the exigencies of an ever-changing world. There, world leaders affirmed in particular the responsibility of all nations and the international community to protect people from the threat of genocide, war crimes, ethnic cleansing and crimes against humanity.

As outlined in the 2005 World Summit Outcome Document (resolution 60/1), the responsibility to protect is guided by three mutually reinforcing and supportive elements. The first priority is for national Governments to exercise their authority in a way that protects individuals and populations from future mass atrocities. National and local authorities who fail to intervene to protect their own civilians or actually work to help perpetrate crimes fail in their basic functions and should face legal responsibility for their actions and their inaction.

In that regard, a human-centred approach to developing policies to protect populations from grave violations of human rights and to developing humanitarian law and other internationally agreed legal standards represents a vital component of the fulfilment of national responsibility. Further, national

policies that foster greater inclusion and protection of religious, racial and ethnic minorities remain key priorities in fostering greater dialogue and understanding between and among populations.

The second pillar is the role of the international community in building the capacity of States to protect their own populations. The international community has a moral responsibility to fulfil its various commitments. By providing financial and technical support, the international community can help to create means and mechanisms for responding quickly to evolving humanitarian crises. In that regard, local organizations, including faith-based organizations, with long-term knowledge and understanding of the region in question provide vital support in building cultural and religious bridges between groups. In addition, greater financial support from developed countries to alleviate extreme poverty serves to help reduce long-term economic and political divides and helps to ease some of the motivating factors behind violence. Promoting the rule of law at the national and international levels provides the framework for preventing ongoing injustices and the mechanism for ensuring that those responsible for perpetuating these crimes are held accountable in a way that promotes justice and lasting peace.

The third pillar of the responsibility of the international community, to intervene when national authorities fail to act, often draws the greatest scrutiny. Unfortunately, this element has too often focused solely on the use of violence in order to prevent or stop violence, rather than on the various ways in which intervention can be carried out in a non-violent manner. Timely intervention that places emphasis on mediation and dialogue has greater ability to promote the responsibility to protect than military action. Binding mediation and arbitration present an opportunity for the international community to intervene in a manner that prevents violence.

If the third pillar is to gain momentum and efficacy, further efforts must be made to ensure that action taken pursuant to the powers of the Security Council is carried out in an open and inclusive manner and that the needs of the affected populations, rather than the whims of those engaging in geopolitical power struggles, are placed in the forefront. It is therefore imperative that those countries in a position to exercise their authority within the Security Council do so in a manner that reflects respect for human rights and the very right to exist, as well as the selflessness needed to take an effective, timely and human-centred approach to saving people from grave atrocities.

Finally, in addition to national and international institutions, religious and community leaders have an important role in promoting the responsibility to protect. Too often in many regions of the world, ethnic, racial and religious intolerance have given rise to violence and the killing of people. The exploitation of faith in the furtherance of violence is a corruption of faith and of people, and religious leaders are called upon to challenge such thinking. Faith should be seen as a reason to come together rather than to divide, for it is through faith that communities and individuals are able to find the power to forgive so that true peace can emerge.

While it took the international community many years to come to the agreement expressed in the World Summit Outcome Document, it is my delegation's hope that it will be implemented as fully as possible so that succeeding generations will be spared the agony that genocide, war crimes, ethnic cleansing and crimes against humanity have caused the entire global community.

The President (*spoke in Spanish*): I now call on the observer of Palestine.

Ms. Abdelhady-Nasser (Palestine): Palestine aligns itself with the statement delivered earlier in this debate by the representative of Egypt on behalf of the members of the Non-Aligned Movement (see A/63/PV.97). We seek to constructively join this debate by focusing on various key factors having an impact on the efforts to develop and implement the responsibility to protect (R2P) on the basis of respect for well-established and universally accepted legal norms and principles, particularly with regard to the protection of civilians, the protection of human rights, the provision of humanitarian assistance and the promotion of peace and security.

At the September 2005 World Summit, heads of State and Government committed to strengthening international institutions, particularly the United Nations, so that global challenges could indeed be met with global responses. To that end, they adopted a reform agenda, including, inter alia, the responsibility to protect and other initiatives to address the root causes of conflict: a stronger human rights mechanism, a Peacebuilding Commission to prevent countries

emerging from conflict from sliding back into violence and a standby reserve of peacekeepers and civilian police.

Perhaps the most challenging concept endorsed then was the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and the assertion of preparedness to take collective action to uphold this responsibility.

In this regard, the language of paragraphs 138 and 139 of the 2005 World Summit Outcome Document (resolution 60/1) clearly constituted a blanket formula not excluding any population or ignoring the plight of others as inapplicable or irrelevant. In that connection, it is essential to recall the pledge, in paragraph 5 of that document, to establish a new world order where just and lasting peace prevail in accordance with the principles of the Charter and of justice, including

> "the right to self-determination of peoples which remain under colonial domination and foreign occupation, ... respect for human rights and fundamental freedoms ... and the fulfilment in good faith of the obligations assumed in accordance with the Charter".

Yet, despite the recognition that all populations are entitled to such protection, we find that relevant literature on the issue, including the Secretary-General's important report (A/63/677), to be somewhat selective, focusing on some situations while ignoring others. This does not contribute to promoting the concept and could erode the comprehensive support it needs to succeed at this critical stage. A perception that certain actors in the international community are tailoring this concept to fit specific cases and meet certain interests would only lead to more doubt about the real intentions behind it, impeding development of this important doctrine and countering the aim of the 2005 World Summit Outcome.

If protection purposes are at the centre of this exercise, then our collective effort must concentrate on formulating ways to ensure respect for the set of core international standards, including the Charter, the Universal Declaration of Human Rights, international humanitarian and human rights law and relevant United Nations resolutions. We must also agree on ways to ensure that this respect is maintained and that violations can be addressed on a case-by-case basis, in a proper and timely manner. In other words, to stay true to the principles we aim to uphold, it is our collective responsibility to develop a global political consensus that can enable the necessary action within the international system, particularly through the United Nations, in all appropriate cases.

Our aim, then, must not be to add a new concept to the international system that will trap us in an endless discussion on how and where it must or can be applied. Instead, this endeavour requires deeper understanding of and respect for the core international standards the concept entails. To that end, and in order to overcome fears that R2P will become a selective tool exploited by some to intervene in the domestic affairs of others, we must agree that countries should lead by example, particularly in the case of principal advocates of the concept.

In this regard, it should be unacceptable for a country to advocate this and other similar concepts, preaching human rights and calling for intervention while, at the same time, ignoring abhorrent and systematic breaches of human rights, war crimes and crimes against humanity by others, including allies. Such double standards have, regrettably, obstructed attempts in the international arena to protect civilian populations entitled to and desperately needing protection in several cases.

When speaking of vulnerable populations whose rights and lives are being violated, we cannot ignore the plight of those among the most vulnerable: peoples living under foreign occupation, denied their inalienable right to self-determination and subjugated under a brutal reality dictated by their oppressor.

In this regard, it is undeniable that the failure of an occupying Power to meet its obligations in accordance with international law, particularly with regard to the protection of civilians, typically results in a vast humanitarian, human rights and political tragedy whose short- and long-term consequences on the occupied population are devastating. The perpetuation of such circumstances — despite the clear provisions of international law intended to prevent such oppression, collective punishment and violence against civilian populations — exposes a moral and legal failure of those whose duty it is to ensure that such disasters are prevented and yet stand idly by watching human misery and hardship mount.

In this connection, while the R2P doctrine places primary responsibility on the State in question, it also

highlights the collective responsibility of States for protecting any civilian population facing genocide, war crimes, ethnic cleansing or crimes against humanity.

At this juncture, it is imperative to recall that the Palestinian people have suffered from the violation of their human rights and countless war crimes at the hands of Israel, the occupying Power, for decades. That is why their protection and the way in which the international community responds to their ongoing suffering remain one of the most fundamental legal and moral tests the international system has been facing for more than 60 years, including in the context of the global attempts to advance human rights and to protect civilians in armed conflict, including through the responsibility to protect. Continuing to turn a blind eye to their need for and entitlement to protection will continue to cast shadows of doubt on the very credibility and viability of our principles.

In this vein, the role of the Security Council is crucial, as that organ is entrusted with the maintenance of international peace and security. If we are to apply the R2P doctrine effectively, we must ensure that the Security Council acts in good faith, without selectivity and with strict adherence to the Charter and international law, for the promotion of international peace and security rather than the narrow interests that have inhibited the Council from fulfilling this most crucial responsibility.

I wish to conclude with the words of the United States civil rights leader Martin Luther King, who so eloquently stated:

> "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."

That is at the core of the principle we deliberate today.

The President: We have come to the conclusion of these important deliberations on the complex and controversial concept of the responsibility to protect (R2P), which began last Tuesday with the Secretary-General's presentation of his recommendations on the implementation of the R2P concept (see A/63/PV.96). Some viewers of these proceedings, which included a special interactive thematic dialogue on Thursday morning, have commented that this may have been the most intense and extensive discussion of R2P to date.

I agree. And I find it very appropriate that this debate has taken place within the forum of the General Assembly. I think we can agree that this dialogue must continue here in the General Assembly and that, given the range and diversity of opinions, concerns and reservations expressed by Member States and by our extraordinary panel of experts, it would be fair to say that we are far from reaching consensus on how to move the principle of R2P from theory to operation, much less make it part of international law.

This discussion has been preceded by serious intellectual work, including the 2005 World Summit Outcome Document (resolution 60/1); the 2004 report of the High-level Panel on Threats, Challenges and Change (see A/59/565); the then-Secretary-General's report "In larger freedom: towards development, security and human rights for all" (A/59/2005); and the present Secretary-General's report "Implementing the responsibility to protect" (A/63/677); as well as the work of the International Law Commission and legal scholars and judgments of the International Court of Justice. The concept note prepared by my Office drew on that legal background.

I want to thank the Secretary-General for his dedication to R2P. I also want to thank the panel of scholars and statesmen — Gareth Evans, Noam Chomsky, Jean Bricmont and Ngugi wa Thiong'o — who set the stage for these proceedings with the interactive thematic dialogue that took place last week. We are indebted to each of them for honouring the United Nations with their presence and their stimulating insights.

Over the past few days, we have heard from many sides of this discussion, with 94 statements from Member States. Members' thoughtful interventions reflect the great interest they have in this concept and in the real problem it seeks to address. You, the members of the Assembly, have done what the World Summit Outcome Document of 2005 asked you to do, which is to further consider this subject and study all its implications.

At the same time, the Summit document had said that any Chapter VII action has to be in conformity with the United Nations Charter and international law, considered on a case-by-case basis. The majority of Member States have confirmed that this is their perception. Any coercion has to be under the existing collective security provisions of the United Nations

Charter, and only in cases of immediate threat to international peace and security. Keeping these concerns regarding military intervention and sovereignty in mind, we are unified in our conviction that the international community can no longer remain silent in the face of genocide, ethnic cleansing, war crimes and crimes against humanity.

Many Member States have dwelt on the lessons of history, as indeed did several of the panellists, and have come to the conclusion that we cannot avoid addressing the issue of reform of the Security Council and the issue of the veto. Similarly, many Member States have spoken of the root causes of R2P situations and highlighted the urgency of addressing development issues.

Some Member States have also expressed a strong concern that the United Nations should not take the enormous leap to make R2P operational as it is formulated at present. In responding to massive failures by Governments to protect their populations, we should not fall back on double standards that would ultimately unravel the credibility of international law and of the United Nations itself.

The proponents of R2P, as I noted in my opening address (see A/63/PV.97), have the best of intentions in pushing for the implementation of this concept. I share their commitment to strengthening the United Nations as the last best hope for preserving our common humanity and our Mother Earth. But clearly, the reservations that have been raised by many Member States about how to truly ensure our collective security must be the subject of further deliberation in the General Assembly.

Many of you have highlighted the reasons why so many of us hesitate to embrace this doctrine and its aspirations. Recent disastrous interventions give developing countries strong reason to fear that laudable motives can end up being misused, as so often in the past, to justify interventions against weaker States. We must take into account the prevailing lack of trust in most developing countries when it comes to the use of force for humanitarian reasons.

It appears that we may be on firmer ground, with a strong majority of Member States favouring an approach that focuses our efforts on finding ways to prevent such crises from occurring, not only by crisis management, but also by dealing with their root causes. Quite often, those causes involve poverty, underdevelopment and social exclusion. Due attention should therefore be directed towards exploring the true potential of preventive United Nations action. We should thereby avoid any impression of a continuum from diplomatic means, through coercion, to the use of force.

I also want to recall the benchmarks for assessing the real value of R2P that I proposed in my opening address.

First, do the rules apply in principle, and is it likely that in practice they will be applied equally to all nation-States, or is it more likely that the R2P principle would be applied only by the strong against the weak?

Secondly, can we be confident that adoption of the R2P principle in the practice of collective security will enhance respect for international law rather than undermining it?

Thirdly, is the doctrine of R2P necessary? And, conversely, does it guarantee that States will intervene to prevent another Rwanda?

And fourthly, if R2P is adopted, do we have the capacity to enforce accountability on the part of those who might abuse the right that this principle would give nation-States to resort to the use of force against other States?

Reviewing the remarks of Member States, it would appear that the answer to each of these questions, all of which relate to the use of armed force for implementation of R2P, is at best uncertain.

I find that my personal view, which I expressed in my opening remarks, is also reflected in the statements of many Member States: R2P is and should remain an important aspirational goal. We should all be willing to support collective action, not just to preserve international peace, but to assure a minimum level of security in all its dimensions, including, today especially, the economic dimension. But we need to ensure that all the elements are in place to make this a viable and consistent legal norm.

There are many ways to improve our system of collective security, and many ways to demonstrate our solidarity with and concern for all of our fellow human beings. Let us be sure that we are rebuilding our broken system of collective security, and let us, by first demonstrating generosity and flexibility in fixing our

broken global economic system and architecture, prove that we are indeed prepared to build a better world.

By and large, the United Nations already has the institutional instruments necessary to deal with those challenges. Yet, political constraints have prevented them from being used to their fullest capacity to promote true human security. I believe that this dialogue has contributed to a common understanding of the urgent steps required to deal with those challenges and to strengthen the United Nations so that it can fulfil its mandates.

Let us continue to search for solutions that truly protect our people and enable them to live in prosperity and dignity.

(*spoke in Spanish*)

I shall now call on those representatives who wish to speak in exercise of the right of reply. May I remind members that, in accordance with General Assembly decision 34/401, statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second and should be made by delegations from their seats.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I have been informed that the representative of Georgia used this debate on the important and complex topic of the responsibility to protect to make blatantly anti-Russian comments. I believe that, since he went so far as to exploit this debate to speak about the tragic events of August 2008, he might usefully have offered an analysis of the actions of his own Government and Administration in the context of the responsibility to protect.

We all know the history of the conflict that was the backdrop of the events of August 2008. In the early 1990s, the President of Georgia declared that peoples other than Georgians living in the territory of Georgia — Abkhazians and South Ossetians — did not exist. He denied their autonomy and declared that all those living in the territory of Georgia were Georgians. When Abkhazians and South Ossetians resisted such a tree interpretation of history and ethnic problems, the response was violence. Tbilisi unleashed a war against Sukhumi and Tskhinvali, and when that war ended in defeat, titanic political efforts — including on the part of Russia — were required to establish a peacekeeping regime and prevent further outbreaks of violence against Abkhazia and South Ossetia.

Over time, there have been genuine opportunities to reach agreement. In the relations between Tbilisi and Tskhinvali, such an opportunity arose in 2004. However, President Saakashvili did not want to seek solutions that, by definition, should have served the interests of the South Ossetians and the Abkhazians. Despite his many promises — including public pledges — not to use force against the South Ossetians and Abkhazians whom he had classified as Georgians, he mounted a treacherous heavy artillery attack against the small city of Tskhinvali on the night of 7 to 8 August.

How could those actions by the Georgian leadership be in keeping with the responsibility to protect? I do not want to get into a lengthy explanation here of the actions of the Russian Federation here. We had an opportunity to do so when Russian peacekeepers came under direct fire from Georgian artillery and aircraft and when Georgia directly fired on schools and houses, including senior citizen housing. It was very clear that this was a military operation carried out by Georgian troops. Its code name was Operation Clear Field, which clearly revealed that its primary goal was to carry out ethnic cleansing to clear out the South Ossetians and the Abkhazians. All the relevant documents related to the plans of the Georgian leadership are now well known.

Russia did the only thing it could do under the circumstances. It saved the South Ossetians and Abkhazians from destruction and took the very difficult decision to recognize them and guarantee their protection from Tbilisi's aggressive action against those peoples of the Caucasus. We expect that the European Union will play a role in this, since its observers have been deployed along Georgia's borders with South Ossetia and Abkhazia in order to prevent further Georgian aggression.

By acting as it did, Russia saved the lives, honour and dignity of the Abkhazian and South Ossetian peoples and other peoples of the Caucasus. Ultimately, by thwarting President Saakashvili's criminal intentions, Russia provided Georgia and its people with an opportunity to establish normal relations with its neighbours.

Unfortunately, given Georgia's military actions along the borders of South Ossetia and Abkhazia and its political and diplomatic behaviour, we see that Georgia continues to think not in terms of peace, but in

terms of fomenting political and military hysteria. Furthermore, we believe that today's statement by the Georgian representative is unwarranted, is not constructive and in no way contributes to finding a solution to the problem of the Caucasus. Rather, it exacerbates the impasse and dead-end policies of President Saakashvili and his relations with South Ossetia and Abkhazia.

Mr. Lomaia (Georgia): I would like to briefly respond to what we have just heard from the representative of Russia. It was a desperate attempt to save face and try to justify what has been universally condemned as a misapplication of the noble principle of the responsibility to protect, the unlawful and illegal recognition of the two Georgian territories of Abkhazia and South Ossetia, and the illegal military occupation of those territories and their subsequent ethnic cleansing of ethnic Georgians.

What I can add is that the arguments and the justifications that we have presented can be used to preclude any future attempt to misuse and abuse this noble concept in our part of the world or elsewhere.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I am obliged to state that Russia, acting on the basis of Article 51 of the Charter of the United Nations in exercise of its right to self-defence against Georgian troops firing directly on its peacekeepers, never sought to position its actions within the framework of the inchoate concept of the responsibility to protect. I find it very interesting that the Georgian representative should refer to this, because he himself probably believed that it was a situation in which Russia could not provide assistance.

In fact, that was not the case. We could not countenance the sin of a second Srebrenica, which would have occurred had we remained hapless observers to the senseless crimes of the Georgian regime.

I repeat, however, that it would have been useful to analyse the responsibility to protect with respect to the policy of the Georgian authorities, the significance of which under international and criminal law is still to be determined by the bodies of international justice.

Mr. Lomaia (Georgia): This is a rare occasion on which I would agree with my Russian colleague. The case brought by Georgia before the International Court of Justice against the unlawful actions of the Russian Federation that led to the ethnic cleansing of Georgians in two provinces of Abkhazia and South Ossetia will be determined soon by that high court.

I would also like to humbly remind my Russian adversary that the responsibility to protect has been cited as a pretext by his own Ministry of Foreign Affairs when it sought to justify the military invasion of Georgia. I would recommend that he read the statements of his own Ministry of Foreign Affairs more thoroughly.

The President (*spoke in Spanish*): I now call on the representative of Chile on a point of order.

Mr. Muñoz (Chile) (*spoke in Spanish*): I simply wish to take note, Sir, of your interesting personal observations upon closing this debate on the responsibility to protect. We could have taken much better note of your comments if the Secretariat had circulated to all delegations in the Hall the written version of your statement, which my delegation — and, I imagine, others — have, unfortunately, not received. Indeed, I see that other delegations have not received a copy of your statement. We would just like to draw attention to that fact, and to thank you for your personal observations and your commitment to the ongoing discussion on the important topic of the responsibility to protect.

The President (*spoke in Spanish*): The General Assembly has thus concluded this stage of its consideration of items 44 and 107.

The meeting rose at 5.55 p.m.